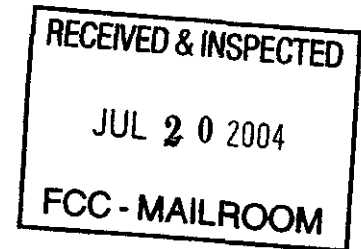




**SPECTRUM COMMUNICATIONS**  
**CABLING SERVICES, INC.**

SENT VIA FACSIMILE AND U.S. MAIL



July 12, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Ms. Carol E. Matthey  
Deputy Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07891

RE: **SECOND STATUS REQUEST**; In the Matter of: Request for Review by  
Spectrum Communications Cabling Services Inc. in Decision of Universal  
Service Administrator CC Dockets NO. 96-45 and 97-21.

Title of Decision being Appealed: Administrator's Decision on Appeal –  
Funding Year 2002-2003 (dated April 22, 2003)

Applicants Name:

Application No.

El Monte Unified High School District	311437
Hemet Unified High School District	295589
Inglewood Unified School District	313520
Lucerne Valley Unified School District	314228
Romoland Elementary School District	305956
Rosemead Elementary School District	303357

No. of Copies rec'd 0  
List ABCDE

Ms. Dortch:

Thirteen months ago, on June 19, 2003 Spectrum Communications Cabling Services Inc. ("Spectrum"), properly submitted to the Federal Communications Commission ("Commission") a Request for Review on the Decision of the Universal Service Administrator regarding El Monte Unified High School District, Hemet Unified School District, Inglewood Unified School District, Lucerne Valley Unified School District, Romoland Elementary School District, Rosemead Unified School District ("The Districts") applications and subsequent denials for E-Rate funding for Program Funding Year 2002-2003. (Attachments 1)

Ten months ago, On September 29, 2003, the Federal Communications Commission 'Extended By an additional thirty (60) days' the Districts request for review. (Attachments 2)

As of this day our appeal to the Federal Communications Commission, none of the Districts have had the opportunity for Review. This undermines the 'due process' which the Districts and Spectrum have for the right to review, and is unfair to both the Districts and Spectrum.

Other appeals at the Federal Communications Commission seem to have priority for review. For example, Winston-Salem/Forsyth County School District which was filed by IBM on behalf of the County School District on June 20, 2003 (SLD No. 302305) which was decided on December 8, 2003. This District only waited 6 months to have its appeal heard by the FCC, (Attachments 3) even though this District was part of the same extension that the six Districts were included.

The disparity of who is selected and when for review is unfair, and we are left to wonder why IBM and its clients (applicants) gain favor with the FCC while other Schools and Service Providers are left waiting.

In light of the recent State and Local budget constraints that these Districts have endured, I ask that the FCC review and decide on these appeals in a timely fashion so that these six Districts can receive their fair opportunity to participate in the School and Library program.

Spectrum had responded and provided proposals to the Districts in response to their multiple filings of the Forms 470. Subsequently Spectrum was awarded several of the Internal Connection projects for each of the six Districts.

All six Districts received a Selective Review by the SLD, and were asked to respond to questions related to their selection process of their particular vendors, in this case Spectrum. Their subsequent response was found by the SLD to be 'similar'. This resulted in the SLD denial of all of the District's E-Rate applications for Funding Year 2002-2003.

Status Request of Appeal filed for El Monte Unified School District, et al.  
Page 2.

At issue is the question 'did Spectrum interfere with the competitive bidding process'? Our appeal of January 19, 2003 clearly shows the answer was and is 'No'.

While we agree that some of the applicant's answers appear to be similar, there was no rule at the time which would prohibit a vendor from providing assistance to an applicant in responding to the selective review. Further, the assistance in these instances was provided only **after the applicant had completed the vendor selection process**. Consequently, it is impossible for our assistance in responding to the selective review process to have tainted the competitive bidding process. It is, therefore, our contention that the SLD wrongfully denied the applications referenced above.

I write this letter to ask that you please make an immediate decision in this appeal. This decision has adversely affected 6 sizable school districts, with an approximate attendance of 180,000 students. Each of these six Districts and as well as my company Spectrum Communications have been harmed by this erroneous decision.

I thank you for your prompt attention to this matter.

Respectfully Submitted,



Robert Rivera  
President/CEO  
Spectrum Communications

RR;ah

Attachments

**DOCUMENT AVAILABLE  
IN THE LEAD  
DOCKET/RULEMAKING**

SEE DOCKET NO. *96-45* FOR THE DOCUMENT.